G. R. S. IX-5]

Previous references.

Ch. 129-15 (1-4)
" 185-15 (1-6)
" 173-18 (1-4)
" — do — 5, 6.
J. Op. W. 460-21.

Later references.

1921

Cto.

File No. 16-21

Serial Nos 1-10.

Preserve

Preserve
B/15/2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Issue only

Part B for October 1921.

SUBJECT.

Grant of leave to Mr. Seetharamiah, Public Prosecutor, Shimoga Division.

8(10) To The Comptroller to Govt
The Public Prosecutor, Shimoga Dn.

No. J 2066-7. Dt. 13.10.21.

Accord sanction for the leave under Clause 3 of Rule 9 of G.O. No. 1332-85 J 137 of 1902 as dt. 16.3.1904

WD 1888—GPB—16,926—28-7-21

28/10/21

G. R. S. 11] 1921-2 162

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 16-21

FILE HEADING.

Grant of leave to Mr Seshagiri, Public Prosecutor Shimoga Div.

From

The Public Prosecutor, Shimoga

No. 87 Dated 6.7.21 Received 7.7.21

Diary No. 82/J	Enclos. - Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Requests the grant of a months leave from the 13th inst

NOTES AND ORDERS.

There is no certificate stating the length & nature of the leave to which he is entitled.

Submitted for orders

8/7 2) Please pick up W.C. for the certificate required & bring it when it is received through Mr. D. M. 7

D. M. 8/7.

NOTES—First Sheet.

G. R. S. III-2

General and Revenue Secretariat.

Courts File No. 16 of 1921.

Serial No.

3) The Public Prosecutor does not appear to be a Gazetted officer. No case of a similar nature appears to have come up before. Even reports of Casual leave availed of by these men have not been received at any time.

4) Submitted with a draft G. for Comptroller for approval or other orders.

Bom 9/7. NR.

5) Draft is sent upto Govt approval

D. 11/7

Revised

6) Refer to the terms of employment of Public Prosecutors. There must be information regarding these points in the orders issued regarding their appts. If none is forthcoming the draft may issue.

[illegible]
12.7.21
D. 12/7

Issued

7) Kind reference is invited to Govt no 4 1501-12/Cts 173-18-6 D. 21-7-1919, in w

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | Cr. File No. 16 of 1921-22

Serial No.

It has been directed that no extra cost should be involved on govt. by acting on temporary arrangements being made for reasons personal to the legal practitioners concerned.

2) The Public Prosecutor has to make satisfactory arrangements in communication with the District Magistrate when they have to leave their stations on private affairs for short periods.

9) If the arrangements made by the present Public Prosecutor are acceptable to the District magistrates and if they do not entail additional cost to govt. he can go on leave

10) If additional cost is involved Govt sanction is required for the leave.

11) Perhaps in the present case, the cost involved in the acting arrangements proposed by the Public Prosecutor involves additional cost and hence Govt sanction is sought for.

12) In this connection, the Public Prosecutor requests that in consideration of his long services for a period of 5 years, the leave he has applied for may be treated as privilege leave. In view of the fact

General and Revenue Secretariat. | File No. 16 of 1921.

Serial No.

that he is entitled to J.A. according the Service Regulations, it is a point for consideration whether he is not entitled to privilege leave and other kinds of leaves under M.S.R.

13) The terms of appointments of Public Prosecutor are not clear on this point. It appears from para 7.(3) of G.O. no 1932-85/J 13707 0-2-03 dt 16.3.1904, that he is entitled to some leave tho' it is not specifically stated to what kind of leave he is entitled.

13 Submitted.

15) This question may likely take some time for disposal. An ad interim reply is submitted. to [illegible] 18/7/21

Submitted for orders.

Sd/ [illegible]
15.7.21

14) The question does not seem to be free from doubt. Govt sanction seems to be necessary.

16) An ad interim reply is unexceptionable D.M. 16/7
Revised

2nd Member) Draft approved

17) 16.7.21. D.M. 16/7

18) Draft may be re-submitted after the receipt of the reply from the [illegible]

18/7

19) Issue copy to Pub. Pr. Letter G 29.4. D.M. 25/7

20) Issue copy to Comptr. also D.M. 26/7

18.7.21

NOTE—Contn. sheet.

G. R. S. III-2.

92 5

General and Revenue Secretariat. | File No. 16 of 1921.

Serial No.

2 To Dr. N. Sesha Sastri
Public Prosecutor Shimoga
No. J. 455 dt. 25.7.1921
States that he can leave the station after making satisfactory arrangements for the conduct of work in consultation with the Dist. Magistrate concerned.

To Sri D. de Shimoga dt.
No. J. 456 dt. 25.7.1921
Forwards copy of the above

3. To Sri Comptroller to Govt.
No. J. 459 dt. 26.7.1921
Request him to intimate whether the Public Prosecutor Shimoga Division is entitled to any kind of leave and also for what period.

4 From
The District Magistrate Shimoga
Letter No. Je 519 21-22 dt. 28.7.1921
With reference to the memo cited under No. 2 states that Messrs B.N. Raghavaiah and S. Ramachandra Rao local advocates were appointed as Public Prosecutors under Section 492 Cr.P.C. to conduct Sessions cases posted for hearing before the Assistant Sessions judge on the 13th and 23rd instant respectively and that Raghaviah was also appointed to support convictions in appeal cases nos 19 dated 16.9.1920-21 on the file of the Sessions judge Shimoga on the 13th and 25th inst.

27 JUL 1921

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

433 / 57 / 433 vide remarks below also

File No. 16 of 1924-22

Serial No.

21) Submitted for perusal. The reply from the Comptroller may be awaited

21/8/24

5 From

the District Magistrate Chittoor

Letter no D2 dis 21/PUB dt 10.8.1921

In continuation of his letter (R.C.) intimates that the Public Prosecutor has resumed duty on the 29th July 1921 and has been attending to his work since then -

22) Submitted with a draft reminder to the Comptroller. Mr Seshagiri Sastry had obtained his leave for 16 days.

13/8/24

23) 23/8/24

12/8/24

D. M. 19/8

Ground no 799 dt 24/8/24

x Reply to the reminder awaited

Sent 23/8/24

6 From

the Comptroller.

Letter no 622/267/TADA dt 22.8.1921

States that the Public Prosecutor is not entitled to any leave under the M.S.R as he is not a whole time servant.

Letter no 274 dt 24.8.1921 from Attendance Officer states with reference to the Reminder that a reply has been sent.

x Reply to the reminder awaited.

NOTE—Contn. sheet.

(97,780,851

7

G. R. S. III-2.

General and Revenue Secretariat.

File No. 16 of 1924-25

Serial No.

24) Submitted with reference to para (19) above

25) For orders.

26/8/24

2nd member) dcg. 26/8/24

26) Orders issued in accordance with the opinion of the Comptroller.

Secy 29/8/24

27) Draft please

dcg 29/8/24

28) Submitted with a draft

29) Though the Service Regulations do not provide for the grant of leave to Public Prosecutors, Rule 5 (3) of the Rules for the grant of remuneration to Legal Practitioners seem to provide for the grant of leave to them. Rule 5 (1) allows them to go on short leave after making their own arrangements for conduct of work provided it does not involve any extra cost. Rule 5 (3) does not say anything regarding extra cost but only requires sanction of Govt for the leave & the acting arrangements proposed

30-8-24

NOTE—Contn. sheet.

Serial No.

~~The Comptroller only says that the Service Regulations do not provide for the grant of leave to the Public Prosecutor~~

30) ~~But in their~~ Under Rule (3), it is for Consideration whether the question whether ~~the Public Prosecutor etc~~ any kind of leave with or without pay is ~~to~~ permissible to them at all should not have been decided, and if with pay whether it should be one with or without extra cost. In the latter case information as to the extra expenditure if any incurred beyond the pay & remuneration if any due to the Public Prosecutor during the period has to be obtained. ~~The~~ The Public Prosecutor applied for leave with effect from ~~the~~ 7th July & returned to duty on the 29th idem. Kindly consider.

31/8/21.

2nd Member)

DCS 31/8/21

1673 P.9.21

31) The Comptroller says that the P.P. not being a whole-time Government servant is not entitled to leave. During his absence from duty their arrangements have to be made as to ~~entail~~ which may or may not entail extra cost. The Public Prosecutor will not be entitled to any pay during his period of his absence on leave.

31) Draft may be revised accordingly

DCS 2/9/21

2/9/21

NOTE—Contn. sheet.

General and Revenue Secretariat.

Ch File No. 1 of 19 24

Serial No.	
	33) Submitted with a draft Sd 2.9.24 3 [illegible] 275.
	34) Issue Sd 3/9/24
7	To The Public Prosecutor Shimoga Dist The Dy Master & Bh The Registrar Sch Court The Comptroller to Govt No J 1490-500 dt 9-9-1924 States that Public Prosecutors not being whole time officers are not entitled to leave ~~and~~ entitling them to pay during the period and that where leave is granted to them they will not draw their pay during the period & their absence whether the acting arrangement sanctioned for work during the period entails extra cost or not Dn
8	The comptroller Letter no 44/1193 7 A3 dt 24.9.24 With reference to the footnote at the end of G.O. of the 9th instant, forwards his application of Mr. N. Seshu Sastry
35	Submitted for perusal. The case will be recorded after the receipt of the printed copies of the G.O. 7 Sd 29-9-4

Note—Contn. sheet.

Sent 8 the printed copies are received
Sd

1475

I. R. S. III-2]

General and Revenue Secretariat.

Ch File No. 16 of 1921-2

Serial No.	
9	From The Public Prosecutor, Shimoga Dt Letter dt 5-10-21. Requests sanction of govt under clause 3 of Rule 9 of S.O. of 16th March 1904. Filed 36) The general order of 9th September 1921 (Sl-7) lays down the principle that public Prosecutors are not entitled to ~~allowances~~ their pay during the period of their absence. The Public Prosecutor states that he was on leave for 14 days after making arrangements for his work and requests that his leave for that period may be sanctioned. Submitted with draft for orders Gen Secy) 7/10/21 37) May issue 9.10.21. 38) Issue Cey 9.10
10	To The Comptroller The Public Prosecutor Shimoga Dist.

(11

G. R. S. 111-2]

1475

General and, Revenue Secretariat. | File No. 16 of 1921.

Serial No.	
10	No J 2068-1 dt 13-10-1921 Accords sanction for the leave under clause 3 & Rule 9 & G.O. No 1932-85	J/37 & 1902-03 dt 16-3-1904.

B-file

Please record with a printed copy of the order kept in the file

28/10/21

DIARY No. 82 (12

0739 9

1091 15

SECTION

From The Public Prosecutor
Shimoga division

To
The Chief Secretary to
the Government of Mysore
Bangalore

Dated 6-7-21

Despatched

Received JUL 1921

General No. 87

No.

Enclosure No.

SECT.

Sir do

PROTECTION BR

7 JUL 1921

I have the honor to state
that for some days past I
have not been keeping good
health and that I feel it
absolutely necessary to place
myself under good medical
treatment and to have change of
air and good rest for atleast
one month. I therefore request
you to grant me one month's
leave with effect from the
13th instant at the latest.
I also request that you may

Kindly permit me to avail myself of the leave from
this day in anticipation of sanction, if need be.
I have intimated to the three District Magistrates
of Shimoga, Chitaldroog and Kadur the fact
of my having made this application for leave
from the 13th inst for one month and have
requested them to make arrangements for the
discharge of my duties during my absence and
before the acting man is appointed.

As regards the nature of leave, my submission
is that I may be given Such Concessional leave as
I am entitled to and that in case I am not
entitled to any Concession, leave without
allowances may be granted. In this connection,
I may be permitted to state that I have held
the office of Public Prosecutor for over five years
and I have even worked during Summer
vacation for Some days without enjoying any
kind of Concessional leave till now. In view of
these circumstances, my prayer for privilege leave
may favorably be Considered.

I have the honor to be
Sir
your most obedient Servant
N. Seshadri
Public Prosecutor, Shimoga Dt.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to..... 82

GENERAL AND REVENUE SECRETARIAT
( )
, the 191 .

Date of issue..... 25/7

Signed by.....

Section C6
File No. P6-21
Serial No. 2

No. J455

To
N Seshasastri Esq BA BL
Public Prosecutor
Shimoga.

Sir

With reference to your letter no 8 dt 6-7-1921, requesting the grant of a month's leave, I am directed to state that you can leave the station after making satisfactory arrangements for the conduct of work in consultation with the District Magistrate concerned.

As regards your request for privilege leave, the question is under consideration and orders will issue in due course.

Yours

J486 16.7.21 Copy to the Dt Magistrate Shimoga for Rec

15

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue 26/7

Signed by W Bruce

To be returned with the reply

Section d

File No. 16-21

Serial No 3

No. 7459 (1)

To

The Comptroller to Govt

Sir

In forwarding herewith letter No 87 dated 6.7.21 from the Public Prosecutor, Shimoga dist. I am directed to request you to be so good as to ascertain whether he is entitled to any kind of leave & also for what period. His matter may be kindly treated as urgent

Yours etc

W 27.7.21

For Secy to Govt

Rev Dept

Bruce 9/7

DIARY No. 433

No. J.C. 51 of 21-22.
3559

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT.

Dated, Shimoga 28th July 1921.

GEN & REV. SECTT
1 AUG 1921

From

G. Aravamudu Iyengar, Esquire., B.A., B.L.,
DEPUTY COMMISSIONER, and District Magistrate,
SHIMOGA DISTRICT.

To

B. Ramaswamaiya, Esquire., B.A., B.L.,
Secretary to the Government of His Highness the
Maharaja of Mysore, Revenue Department,
B a n g a l o r e .

1 AUG 1921

Sir,

With reference to your Memo No: J.456 dated 25th July 1921 forwarding copy of your letter No: J.455/Cts. 16-21-2 of the same-date to Mr. N. Shesha Sastry, Public Prosecutor, in the matter of the grant of leave to him, I have the honor to state that Mr. Shesha Sastry has been on leave from the 13th July 1921 and that during his absence Messrs. B.N. Raghavaih and S. Ramachandra Rao, local Advocates, were appointed Public Prosecutors under Section 492 Criminal Procedure Code to conduct Sessions Cases posted for hearing before the Assistant Sessions Judge, Shimoga, on the 13th and 23rd instant respectively. Mr. B.N. Raghaviah, Advocate who was also asked to support conviction in appeal cases 19 and 16 of 1920-21 on the file of the Sessions Judge, Shimoga posted for hearing on the 13th and 25th idem.

I have the honor to be,
Sir,
Your most obedient servant,

District Magistrate,
Shimoga District.

SGR.

From

The DEPUTY COMMISSIONER, & Distri
Magistrate, SHIMOGA DISTRICT.

To The Secretary to Government,
Revenue Department,
Bangalore.

Dated 28th July 1921.

Despatched 29th July 1921.

Received

General No. J. 51 of 21-22.
No.

Enclosure No. -

Re appointment of Public Prosee-
cutors in place of Mr. N. Sheshasastr
on leave.

&&&&&&&

05762

17

No. D2.Dis.21/Judl.21-22.

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT.

Dated, Shimoga 10th August 1921.

GEN & REV. SE... 11 AUG 1921

DIARY No. 597

From

G. Aravamudu Iyengar, Esqr., B.A., B.L.,
DEPUTY COMMISSIONER, and District Magistrate,
SHIMOGA DISTRICT.

PROTECTION B... 11 AUG 1921

To

B. Ramaswamaiya, Esquire., B.A., B.L.,
Secretary to Government,
Revenue Department,
B a n g a l o r e .

Sir,

In continuation of my letter No:J.C.51 of 21-22 dated 28th July 1921, I have the honor to state that Mr.N. Shesha Sastry, Public Prosecutor, intimates in his letter No: 1 of the 1st August 1921 that he returned to Shimoga on the 29th July 1921 and has been attending to his work since then.

I have the honor to be,
Sir,
Your most obedient servant,

for District Magistrate,
Shimoga District.

SGR.

From

The Deputy Commissioner, & District Magistrate, Shimoga District.

To

The Revenue Secretary to

Government of Mysore,

Bangalore.

Dated

10th August 1921.

Despatched

Received

General No. D.2.Dis.21/Judl.21-22.
No.

Enclosure No.

Re the returning to Shimoga ~~and has been attending to his work~~ of Mr. N. Shesha Sastry, Public Prosecutor. for attending to his work.

&&&&&&&&&&

06939

7.80
g

Please address all future communications to the Comptroller to the Govt. of H. H. the Maharaja of Mysore.
In reply to this Comm. please refer to
No. 622/267/TAD A

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Dated, Bangalore, the ~~xxx~~ August 1921.

GEN & REV. SECTION
23 AUG 1921

FROM

L. Bistopanth Badami Esq., B.A.,
~~Mx Nxx Kxxxxxxx Exx Exxxxxx~~
Offg. Comptroller to the Government of His Highness the Maharaja of Mysore.

To

K. Matthan, Esq., B.A.,
Chief *Secretary to the Government of Mysore,*
Bangalore *Department.*

4 AUG 1921

SIR,

With reference to your letter No.J.459 Courts 16-21-3 dated 26th July 1921 forwarding letter No.87 dated 6-7-21 from the Public Prosecutor, Shimoga, asking for one month's leave from 13th July 1921 and requesting to be informed if the latter is entitled to any kind of leave, I have the honour to state that, as Public Prosecutors are not wholetime servants, there are no rules in the Mysore Service Regulations regulating the leave of this class of employees.

I have the honour to be,
Sir,
Your most obedient servant,

A. Tholasinga Iyer
For Comptroller. 20-8-21

CV/20-8

G.R.S. VI–71]

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

, *the* 191 .

Date of issue.....

Signed by.....

May this be

i Printed ?

ii treated as a standing order ?

ii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

Section

File No.

Serial No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read–

Order Thereon—No

20

16th March 1906 ~~for the~~ sanctioning
acting arrangements ~~proposed to~~
be made during the period
~~place of the absentee~~ officials
extra cost or not, ~~they~~ are ~~will~~
not draw their pay during the
period of their absence.

DCG
3/9/21 Regd. Secy

20

The Public Prosecutor Chittoor Dt.
& Dt. Magistrates of Portnets
& Conjeevaram,
& Registrar Subordinate Courts
Pre Conjeevaram with the request that
3-9 the application of Mr. N. Seshachalapathy Pantulu
attached Memo no 459/Ch16-21-3
26.7.21 may kindly be returned

List of enclosures.

Copied by

Examined by

WD 1744—GPB—30,000—17-3-19

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. J. 1490-1500—Cts. 16-21-7, dated 9th September 1921.

Leave to Public Prosecutors.

Issues instructions *re* the grant of —

READ—

Letter dated 7th July 1921 from the Public Prosecutor, Shimoga Division, requesting the grant of a month's privilege leave from 13th July 1921, on account of ill health.

2. Correspondence ending with letter No. 274-784—TADA. dated 24th August 1921 from the Comptroller to Government, on the subject.

ORDER No. J. 1490-1500—CTS. 16-21-7, DATED 9TH SEPTEMBER 1921.

Government are of opinion that Public Prosecutors not being whole time officers are not entitled to leave entitling them to pay during the period. Where leave is granted to them under clause (3) of rule 9 published in Government Order No. 1932-85—J. 137 of 02-03, dated 16th March 1904, they will not draw their pay during the period of their absence, whether the acting arrangements sanctioned for work during the period entails extra cost or not.

B. RAMASWAMAIYA,
Secy. to Govt., Gen. Depts.

To—The Public Prosecutor, Shimoga Division.
The District Magistrates of Districts.
The Registrar, Chief Court of Mysore.
The Comptroller to Government.

Exd.—C. R.

W D—625—GPB 15-10-21—380

(21

10975

DIARY No. 1324

Please address all future communications to the Comptroller to the Govt. of H. H. the Maharaja of Mysore.
In reply to this Comn. please refer to
No. 444/TAD A 21 one.
1183

EN & REV SECT
27 SEP 1921

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

16-21

Dated, Bangalore, the 24th ~~1921~~ Septr. '21

FROM

780

L. Bishtopanth Badami, Esq., B.A.,
~~M. N. KRISHNA RAO, ESQ., B.A.,~~
Offg. Comptroller to the Government of His Highness the Maharaja of Mysore.

To

PROTECTION 28 SEP 1921

K. M a t t h a n, ..., ESQ., B.A.,
Chief *Secretary to the Government of Mysore,*
.....B a n g a l o r e.....~~Department~~

SIR,

I have the honor to forward herewith the leave application dated 6th July 1921 from Mr. N. Sesha Sastry, Public Prosecutor, Shimoga Division, as directed in Government Order No.1490-1500 Cts. 16-21-7 dated 9th September 1921, stating that Public Prosecutors are not entitled to any leave with allowances as they are not whole time officers.

I have the honor to be,
Sir,
Your most obedient servant,

Offg: Assistant Comptroller.
24.9.21

28

MSR/26-9

WD.0322—GPB—8,000—14-12-16

C. O. 42–Rec.—17]

....Department

191 .

FROM

M. N. KRISHNA RAO, ESQ., B.A.,

Offg. Comptroller to the Govt. of

H. H. the Maharaja of Mysore.

To

.....Esq.,

Secretary to the Govt. of Mysore,

Dept.

Dated

Despatched

Received

No.....

Subject matter.

DIARY NO. 1475 of 1916

191-

From The Public Prosecutor
Shimoga Dn 9

To The Secretary to the Government of Mysore, General Department

Dated 5-10-21

Despatched

Received 6-OCT

General No. 3b
No.

Enclosure No. 1

Sir,

With reference to my applicat
ated 7-7-21 requesting the gra
of a month's privilege leave, from
13-7-21 and the Government orde
thereon in no J 1490-1500 dt
16-21-7 dated the 9th Sept 1921,
I have the honor to state for the
information of Government that
I was absent from the 13th to 18th
July and from the 21st to 28th July
1921 after giving previous inti-
mation to the District Magistra
concerned and requesting him
to arrange for my work during m
absence. I therefore request that
this period of 14 days may be
kindly treated as leave granted

23)

cl 3 rule 9 published in Government order no 1932-85-J 137
of 1902-1903 dated 16th March 1904.

I have the honour to be
Sir
your most obedient servant
N. Sivashastri
Public Prosecutor
Shimoga Division

G.R.S. VI–71]

SUBJECT.....

.....

.....

Diary No. of letter replied to..... 1675

General and Revenue Secretariat

( )

the 191

Date of issue..... 13/10/21

Signed by..... W Cash

May this be

i Printed ?

ii treated as a standing order ?

ii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

Section Ch

File No. 16-11

Serial No. 10

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Correspondence ending with letter no 36 dt 5.10.21 from the Public Prosecutor Shimoga stating that he was absent from the 13th to 18th July and 21st to 28th July 1921 after giving previous intimation to the District magistrate concerned for making arrangements for the conduct of this work and requesting sanction of Govt. for the leave under clause 3 of Rule 9 of G.O. no 1932-85/ ~~Order Thereon No~~ J 137 of 1902-03 dt 16-3-1904.

order

Sanctioned.

Bm 9.10.21

Secretary

cor 8.10.21

To

The comptroller to Govt

& Public Prosecutor Shimoga

9.10.21